

STATE OF MICHIGAN
COURT OF APPEALS

CATHERINE N. MCCARTHY,

Plaintiff-Appellee,

v

CITY OF TRENTON,

Defendant-Appellant.

UNPUBLISHED
September 18, 2014

No. 316600
Wayne Circuit Court
LC No. 12-016668-NO

Before: METER, P.J., and K. F. KELLY and M. J. KELLY, JJ.

M. J. KELLY, J. (*concurring*).

As the majority correctly states, the outcome in this case is dictated by this Court's decision in *McClean v City of Dearborn*, 302 Mich App 68; 836 NW2d 916 (2013). I continue to be troubled by the fact that municipalities routinely employ insurers and third-party claims administrators to handle claims, such as the one involved here, and then later disavow any notice sent to those entities. As I stated in my dissent to the majority's decision in *McLean*, a municipality may through its written agreements appoint its insurer or a third-party claims administrator to be its agent for purposes of notice, as permitted under MCL 600.1930. See *McClean*, 302 Mich App at 86-89 (opinion by M. J. KELLY, P.J.). Nevertheless, I agree that the majority here has properly applied the controlling decision in *McClean* to the facts of this case; accordingly, I concur in the result.

/s/ Michael J. Kelly